

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AVRIO GROUP SURVEILLANCE
SOLUTIONS, INC.,

v.

ORDER
10-CV-833

ESSEX INSURANCE COMPANY,
FELICIA HELTON, and
JOHNSON CONTROLS, INC.,

Defendants.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(A). On December 13, 2010, defendants filed a motion to dismiss. On May 17, 2011, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendants' motion to dismiss, converted to one seeking summary judgment, should be denied in part and granted in part.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendants' motion to dismiss is denied in part and granted in part.

The case is referred back to Magistrate Judge Foschio for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: June 13, 2011